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## RESTRICTIVE COVENANT TERMINATION REVIEW SHEET

**CASE:** C8F-79-067 (RCT)

**Z.A.P. DATE:** September 17, 2013  
August 20, 2013

**ADDRESS:** 5 Humboldt Lane

**OWNER/APPLICANT:** Maureen Alexander

**AGENT:** Braun & Gresham, PLLC (David Braun)

**EXISTING ZONING:** LA/ County

**AREA:** 32.57 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends the applicant's request to terminate the restrictive covenant.

### **DEPARTMENT COMMENTS:**

The applicant is requesting the termination of a restrictive covenant C8F-79-067 associated with the Rob Roy Phase 2, Block E, Lot 51. The covenant prohibits the construction of any improvements below the 675-foot contour line along Lake Austin.

### **Background:**

The applicant has applied for a site plan to allow the construction of a boat dock at 5 Humboldt Lane (SP-2013-0133D). As part of the site plan review, the applicant is required to show the proposed access to the boat dock, and the applicant is proposing a gravel or mulch trail on the portion of the trail traversing less steep slopes and a series of stone steps where existing slopes require more stable access. When the original Rob Roy Phase 2 subdivision was approved, the City of Austin required a restrictive covenant that, in part, restricts development below the Lake Austin Bluff Line, including ladders, elevators, stairs, walkways, etc. However, boat docks were allowed, provided approval of City Council, which was the normal process for boat dock approval at the time of the subdivision application. The applicable environmental rules governing the review of the subdivision were the original Lake Austin Watershed Ordinance (780105-C) and Ordinance 781102-C, (which established the requirement for waterway development permits). From reviewing the report generated during review, it appears that the requirement for the restrictive covenant was imposed by Planning and Development Review's interpretation of the ordinances that had been recently approved. However, staff's current interpretation of those ordinances would not have resulted in the requirement of the restrictive covenant.

### **Analysis:**

The Lake Austin Bluff Line was not defined as a protected area in the Lake Austin Ordinance, but was defined in the restrictive covenant as the 675 foot contour line. Also, under the Lake Austin ordinance, the creation of impervious cover on slopes greater than 25% was not prohibited, but rather was restricted to 10% of the slope category. The City of Austin "Guidelines and Procedures for Implementing Lake Austin Watershed Development Controls" manual did further stipulate that for site development other than subdivisions "Paved surfaces shall not be constructed on terrain which has a gradient greater than twenty-five percent (25%), except when it can be shown to be necessary to

provide access to slopes less than twenty-five percent (25%)". While it can be argued that the proposed access violates this provision, the rules in effect at the time also allowed the applicant to request appropriate variances to be heard by the Planning Commission. It is staff's opinion that the restrictive covenant unduly limits the right of the applicant to request appropriate variances.

Current code does not restrict the construction of necessary access to boat docks, regardless of the slope category. The applicant does also seek an environmental variance to construct the proposed access within critical environmental feature buffers for rim rocks. These variances will be requested and heard by the Environmental Board and Planning Commission at a later date prior to site plan approval.

**Basis for Staff's Recommendation:**

A provision was incorporated into the restrictive covenant that states:

*"In the event that the said ordinance becomes less restrictive concerning building foundations, building sites and driveways, this covenant shall be amended to follow such less restrictive ordinance, but in the event that such possible ordinance changes become more restrictive, the restrictions of this covenant shall remain in effect."*

It is the Staff's opinion, that the requirements of the restrictive covenant are more restrictive than the current Land Development Code requirements, and more restrictive than the original Lake Austin Ordinance. Thus, as required by the covenant; *"this covenant shall be amended to follow such less restrictive ordinance."* The applicant therefore requests that the covenant be terminated so that the site is required to meet the current Lake Austin Watershed Ordinance requirements, and the Staff concurs.

Therefore, the Staff recommends the applicant's request to terminate the restrictive covenant.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

8/20/13: Postponed at the request of the neighborhood.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LA/County	Undeveloped
<i>North</i>	None	Lake Austin
<i>South</i>	N/A (County)	Single-Family
<i>East</i>	LA/County	Single-Family
<i>West</i>	LA/County	Single-Family

**WATERSHED:** Lake Austin

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

Save Our Springs Alliance  
Long Canyon Homeowners Association  
Lake Austin Collective  
Glenlake Neighborhood Association  
Rob Roy Homeowners Association  
Steiner Ranch Community Association  
2222 Coalition of Neighborhood Associations  
Sierra Club

**CASE HISTORIES:** No recent histories.

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Humboldt Lane	50'	15'	Local	60 vpd

**CITY COUNCIL DATE:** September 26, 2013

**ACTION:**

**CASE MANAGER:** David Wahlgren

**PHONE:** (512) 974-6455

**Email:** david.wahlgren@austintexas.gov

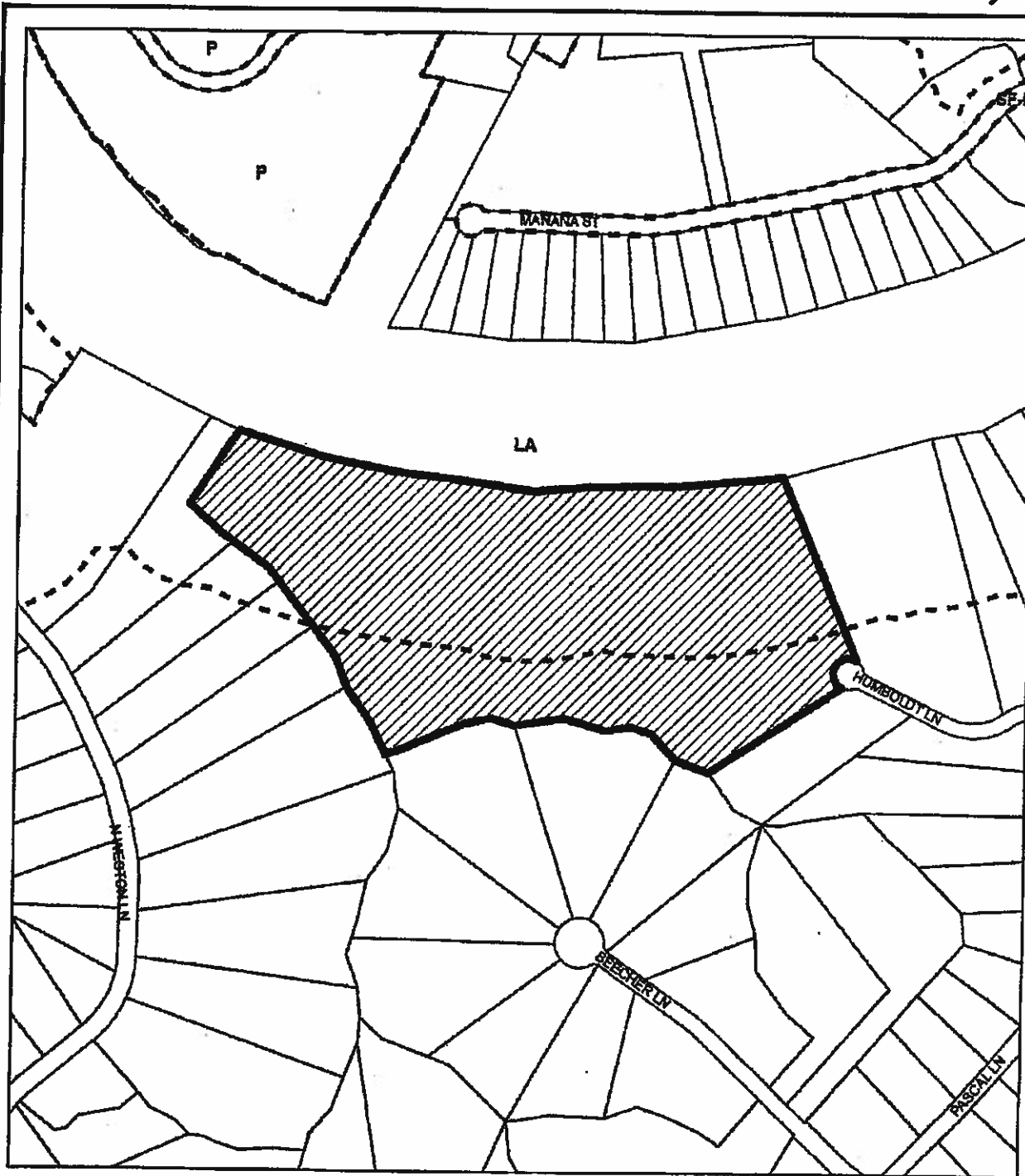
CU  
H

Google




Address 5 Humboldt Ln  
Austin, TX 78746



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1" = 400'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

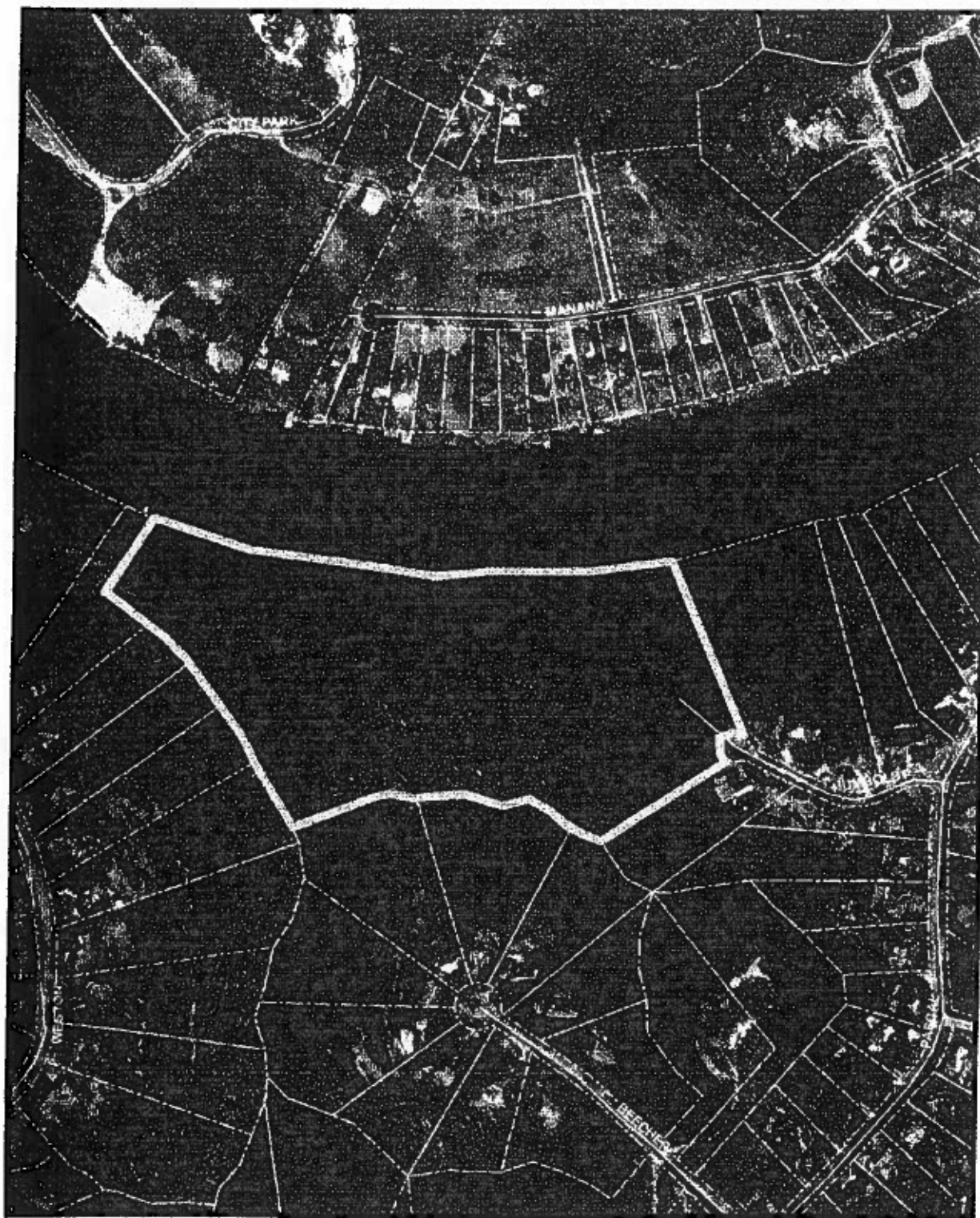
**RESTRICTIVE COVENANT AMENDMENT**  
CASE#: C8F-79-067(RCT)

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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PLANNING AND DEVELOPMENT REVIEW DEPARTMENT



5 Humbolt Lane

Page 1. Containing and Showing the Property, Reported on the map and the Property, and the

Exhibit A

RESTRICTIVE COVENANT FOR  
ROB ROY SUBDIVISION

THE STATE OF TEXAS 4229-7981- 6158 \* 930

2-09-6643

COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

THIS DECLARATION, made this 14th day of August, 1979, by AUSTIN ROB ROY CORPORATION, a Texas corporation, hereinafter referred to as "Declarant".

RECITALS

1. Declarant is the owner of all that certain real property located in Travis County, Texas, described as follows:

Rob Roy Subdivision, Block A, Lots 1 through 18; Block B, Lots 1 through 8; Block C, Lots 1 through 18; Block D, Lots 2 through 32; Block E, Lots 1 through 68; Block F, Lots 1 through 17; Block G, Lots 1 through 31; Block H, Lots 1 through 2 and Block I, Lots 1 through 34, an addition in Travis County, Texas, according to the map or plat thereof, recorded in Book \_\_\_\_\_, Page \_\_\_\_\_ of the Plat Records of Travis County, Texas.

2. Declarant will convey the above described Property, subject to certain restrictions as hereinafter set forth.

NOW, THEREFORE, it is hereby declared that all of the Property described above shall be held, sold and conveyed, subject to the following restrictions for the purposes set forth above and for protection of the value and desirability of the Property. The following restrictions shall run with the Property and shall be binding on all parties having any right, title or interest in or to the above described Property or any part thereof, and their heirs, successors and assigns; and which restrictions shall inure to the benefit of each owner thereof.

ARTICLE I  
DEFINITIONS

1.01 "Owner(s)" shall mean and refer to the recorded Owner, whether one or more persons, associations or entities, of legal, equitable or beneficial title of or to any lot. Owner shall include purchaser of a lot under an executory contract for sale of

DEED RECORDS  
Travis County, Texas

6673 1597

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real property. The foregoing does not include persons or entities who hold interest in any lot merely for the security for the performance of an obligation.

1.02 "property" shall mean and refer to that certain real property described in Recital 1 above. 2-09-16644

1.03 "lot" shall mean each parcel of land shown as a lot on the recorded final plat map of the Property and designated on said map by a separate number, or any subsequent subdivision thereof.

1.04 "Improvements" shall mean the buildings, garages, carports, roads, antennas, driveways, parking areas, walls, hedges, plantings, planted trees and shrubs, and all other structures or landscaping improvements of every kind and type affecting the natural condition of the land or the drainage of surface waters on, across or from the land.

1.05 "Single Family" shall mean a group of one or more persons related to each other by blood, marriage, or legal adoption, or a group of not more than three persons not all so related, together with their domestic servants to maintain a common household in a dwelling.

1.06 "Single Family Residential Use" shall mean the occupation or use of an Improvement by a Single Family in conformity with this Declaration and the requirements imposed by applicable zoning laws or any other State, County or Municipal laws, rules, regulations, codes or ordinances.

1.07 "Building Site" shall mean and refer to that portion of any of the above defined lots within the front setback and other lot lines upon which a single family residence may be constructed.

1.08 "Lake Austin Bluff Line" shall be the area designated on the Plat as the Lake Austin Bluff Line, which shall be the 675 foot boundary line.

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ARTICLE II  
RESTRICTIONS

2.01 Building Foundations: All building foundations on slopes of 15% or greater or on fill placed upon such slopes shall utilise design and construction practices certified by a registered professional engineer qualified to practice in this field and such design shall be placed on file with the City of Austin Engineering Department.

2-09-6645

2.02 Fills and Cuts: No fill on any lot shall exceed a maximum of three feet of depth. Except for structural excavation, no cut on any lot shall be greater than six feet.

2.03 Driveway Grades: Every lot shall be reasonably accessible by vehicle from the roadway to the probable building site. For a minimum travel distance of twenty-five feet from the roadway edge, the driveway grade may exceed (14%) only with specific approval of surface and geometric design proposals by the Director of the Engineering Department or his designee.

2.04 Lake Austin Bluff Lines: There shall be no development, improvement, or structure, temporary or permanent, below the line shown on the Plat as designating the Lake Austin Bluff Line. Such areas are to be left totally and completely in their natural state. All activity and improvement, including, but not limited to, ladders, elevators, stairs, walkways, etc., are expressly prohibited.

ARTICLE III  
MISCELLANEOUS

3.01 Modification: The restrictions of this restrictive covenant are derived from the City of Austin, Texas, Ordinance No. 780105-C. In the event that said ordinance becomes less restrictive concerning building foundations, building sites and driveways, this covenant shall be amended to follow such less restrictive ordinance, but in the event that such possible ordinance changes become more restrictive, the restrictions of this covenant shall remain in effect. This covenant may be modified, amended or terminated only by a majority vote of a quorum of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and joined by the undersigned Declarant.

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3.02 Enforcement: If any persons, person, firm, corporation or entity of any other character shall violate or attempt to violate the restrictions contained herein, the City of Austin, a municipal corporation, its successors and assigns, shall have the right to enforce these restrictions by proceedings at law or in equity to prevent said violation or attempted violation thereof.

2-09-5646

EXECUTED this 14th day of AUGUST, 1979.

ATTEST:

AUSTIN ROY ROY CORPORATION

By Gary Bradley  
Secretary, Gary Bradley

END SEALS

By John C. Woolley  
John C. Woolley

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

BEFORE ME, the undersigned authority, on this day personally appeared JOHN C. WOOLEY & GARY BRADLEY, President & Secretary of AUSTIN ROY ROY CORPORATION, a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 14th day of August, 1979.

NOTARY SEAL

Patricia Langford  
Notary Public, Travis County, Texas  
Patricia Langford

My Commission Expires:

5-10-81

FILED  
AUG 29 3 00 PM '79  
Travis County, Texas  
COUNTY CLERK  
TRAVIS CO., TEXAS

BOOK OF THIS  
I hereby certify that this instrument was filed on the date and at the time stamped herein by me; and was duly recorded in the Volume and Page of the record of this County, Texas, as stamped herein by me, on

AUG 29 1979



Patricia Langford  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

8873 1700

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Exhibit B

BRAUN & GRESHAM  
ATTORNEYS AT LAW

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**DATE:** August 12, 2013  
**TO:** Zoning and Platting Commission of Austin, Texas  
**FROM:** David Braun, attorney for Maureen Alexander, owner of 5 Humboldt Lane  
**SUBJECT:** Request to Terminate Restrictive Covenant at 5 Humboldt Lane

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The termination of this restrictive covenant is being requested on the advice and with the support of the City development review staff and legal department. The termination is sought as a clarification and ratification of the staff position, shared by the applicant, that a site plan application for a boat dock at 5 Humboldt Lane may be reviewed and approved under current development ordinances and the comprehensive watersheds ordinance (CWO). Restrictive covenants of this type were a tool used by the City in decades past before the CWO was passed in 1986. The restrictive covenant is no longer needed and creates confusion and legal obscurity in the orderly regulation and exercise of private property rights.

On August 14, 1979, the developers of Rob Roy and the City of Austin agreed to this restrictive covenant on the lots in Phase II of the Rob Roy subdivision. The restrictive covenant was not used for subsequent phases of Rob Roy. The covenant says that it is derived from the Lake Austin watershed ordinance that was in effect at that time. The covenant incorporates the language of that ordinance for restrictions on driveway grades, cut and fill and building foundations. It also attempts to add a restriction on any improvements below the Lake Austin Bluff Line. Finally, the covenant states that if the ordinance becomes less restrictive, the covenant shall be amended to follow the less restrictive ordinance.

On May 8, 1986, the City adopted the CWO, which replaced the Lake Austin watershed ordinance. The CWO contains the restrictions for buildings, cut and fill, and driveways. However, the CWO allows for building of boat docks on Lake Austin and does not contain the restriction for building below the Lake Austin Bluff Line. In accordance with the above-cited provision of the covenant, we respectfully request that the covenant be terminated as to 5 Humboldt Lane. The City development review and legal staff support the requested termination and agree that the site plan application may be reviewed and approved under the CWO.

The applicant requests your support of the termination of this restrictive covenant so that the City's review of the site plan may move forward.

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## ORDINANCE NO. 780105-C

AN ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF THE CITY OF AUSTIN, 1967; DECLARING CERTAIN FINDINGS OF FACT; PROVIDING STANDARDS FOR DEVELOPMENT OF LAND LOCATED WITHIN THE WATERSHED OF LAKE AUSTIN PRESCRIBED BY THE RESOURCE MAPS OF THE LAKE AUSTIN GROWTH MANAGEMENT PLAN; EXEMPTING CERTAIN PLANNED UNIT DEVELOPMENTS FROM THE REQUIREMENTS OF THIS ORDINANCE; PROVIDING A MAXIMUM TIME PERIOD IN WHICH THIS ORDINANCE WILL HAVE EFFECT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Austin, Texas, finds that it is trustee of the natural environment and recreational potential of Lake Austin for future generations of Austinites; and,

WHEREAS, the Lake Austin watershed, compared to other watersheds within Austin's jurisdiction, is mostly undeveloped; and,

WHEREAS, the Lake Austin watershed, due to abrupt topography, thin and easily disturbed soil, natural springs, unique biotic communities, and sparse but significant vegetation, is different from other watersheds within Austin's jurisdiction; and,

WHEREAS, Lake Austin is a primary source of Austin's water supply; and,

WHEREAS, the continued economic growth of Austin is dependent upon recreational opportunities in close proximity to Austin; and,

WHEREAS, Lake Austin, as an integral part of the Highland Lakes, is a significant source of pride and attraction, and the lake and its environment must be preserved and protected to promote Austin's economic well being; and,

WHEREAS, Lake Austin is one of the most significant sources of public recreation for Austinites and must be protected in order to preserve the health and welfare of Austin citizens; and,

WHEREAS, Lake Austin is comparatively shallow and narrow, and thus extremely vulnerable to pollution and sedimentation resulting from development activities within its watershed which are not related to single sources of pollution; and,

WHEREAS, the Lake Austin watershed is undergoing rapid development; and,

WHEREAS, if the Lake Austin watershed is not developed in a sensitive and innovative manner, the recreational benefits of Lake Austin will be irreparably damaged; and,

WHEREAS, the City Council of the City of Austin, Texas, further finds that minimum standards should be adopted as an interim and limited application of the general principles for conservation and development that are embodied in the Lake Austin Growth Management Plan, which principles are intended to protect the water quality of Lake Austin as a source of the City's drinking water and a recreational resource, and to encourage innovative planning and design of urban development which responds to the unique and sensitive environments of the Lake Austin watershed, the purposes of which interim standards are (until more comprehensive regulations based on additional monitoring are adopted):

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percent gradient, (2) slopes of fifteen percent to twenty-five percent gradient, and (3) slopes less than fifteen percent gradient. The map shall represent each scale equal to that of the preliminary plan.

(b) The preliminary plan shall indicate possible disposal sites of all excess spoil and the maximum height and depth of all proposed cuts and fills.

(c) The preliminary plan shall show the limits of the 100-year flood plains, based on existing data, of all creeks and major drainage channels prior to any alteration of land.

(d) The preliminary plan shall be accompanied by a display of data which shall show the following information:

(1) The land area calculated in acres for each slope class within the subdivision as delineated on the slope map. If the subdivision is separated into two or more distinct sections, separated either by data of application or by spatial detachment, the land areas of each slope classification shall be determined independently for each section.

(2) The total maximum area of impervious surfaces proposed in the development within each slope class, and for each distinct section of a subdivision. The total area shall be separated into areas of streets, off-street parking, commercial areas, tennis courts and other recreational areas, and residential areas. The residential impervious area shall be further separated into the estimated average dwelling sizes, by housing types, including the area of garages and drives.

(e) The preliminary plan shall be accompanied by a grading and erosion-sedimentation control plan. The data requirements for this plan shall include: (1) the location and description of existing topographic features and soil characteristics of the site using best available information; (2) a general description of proposed changes to the site; and, (3) a general description of measures which shall be taken for the control of soil erosion and sedimentation.

Sec. 41-13.

(n) If any part of the subdivision is located within the watershed of Lake Austin, as described by the resource maps of the Lake Austin Growth Management Plan, then all plans and information required to be submitted to the director of engineering, including those described in Sec. 41-47.3, shall be submitted prior to the filing of the final plat with the planning commission. This required information shall include descriptions of the location, size, capacity, and design characteristics of all sedimentation basins and the storm water detention

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topographic features and to minimize to the maximum extent feasible the construction of roadway cuts and fills as well as a professional engineering analysis of generally accepted geometric standards for vehicular and pedestrian safety.

(2) Roadway curbs and gutters. The requirement of Sec. 41-43 of the subdivision ordinance for curbs and gutters in urban subdivisions may be waived by the planning commission for areas in the Lake Austin watershed after the commission has considered reports from the directors of the departments of engineering and urban transportation in which the adequacy of proposed alternatives to satisfying the needs for storm drainage, traffic safety and general public welfare shall be assessed.

(3) Building sites. No fill on any lot shall exceed a maximum of three feet of depth. Except for structural excavation, no cut on any lot shall be greater than six feet. All residential lots created by the subdivision of land shall contain an adequate building site prior to grading or alteration. An adequate building site shall not have less than 3,000 square feet and shall not contain: (a) discontinuous segments; (b) land within the 100-year flood plain of any creek or tributary; (c) land within a drainage or utility easement; (d) land of a slope greater than thirty-five percent; (e) any stream, pond, detention basin or other body of water, either permanent or temporary; or (f) land within twenty-five feet of a road right-of-way.

(4) Driveways. Every lot shall be reasonably accessible by vehicle from the roadway to the probable building site. For a minimum travel distance of twenty-five (25) feet from the roadway edge the driveway grade may exceed fourteen (14) percent only with specific approval of surface and geometric design proposals by the director of the engineering department or his designee.

(5) Erosion control. Final plans shall be accompanied by a proposed construction sequence to demonstrate an acceptable plan for erosion control during the construction period and shall be subject to the approval of the engineering department and office of environmental management according to the published standards for erosion control and restoration to be promulgated jointly by the office of environmental management and the engineering department.

(6) Restoration. All cuts and fills shall be restored to blend with the natural character of the land. Restoration plans shall be approved by the engineering department and office of environmental management. Projects shall not be considered complete until restoration has been made and approved by the engineering department.

rate levels predictable under the specific criteria which the alternatives replace; and,

(2) will not result in predictable lowering of the water quality (in terms of fecal coliform, lead, total organic carbon, total nitrogen, total phosphorus, hydrocarbons - hexane extract, and suspended solids) of the subject tract runoff from the quality level expected under the specific criteria which the alternatives replace;

or, said alternatives shall be approved by the commission if it determines that the alternatives:

(1) will, in accordance with criteria and standards set forth in the department of engineering's Austin Drainage Criteria Manual, not exceed the runoff rate levels predictable under the specific criteria which the alternatives replace; and,

(2) will not result in predictable lowering of the water quality (in terms of fecal coliform, lead, total organic carbon, total nitrogen, total phosphorus, hydrocarbons - hexane extract, and suspended solids) of the subject tract runoff from the quality level expected under the specific criteria which the alternatives replace.

Any alternative proposals for controlling quality and rate of runoff must be capable of being legally enforced. The developer or applicant shall have the burden of proof in establishing the merits of any proposed alternative methods. The proposal shall be certified by a registered professional engineer with expertise in the area of concern.

All alternative proposals, methods and plans shall be submitted by the applicant to the directors of engineering and office of environmental resources management for review. The planning commission shall not act upon any alternate proposals until the commission has received a report on said proposals from the directors of engineering and office of environmental resources management.

Prior to action on the final plat, the city attorney shall approve the enforceability of the proposals.

a. Variances.

(1) Where literal enforcement of a provision of this chapter will render subdivision of a tract of land impractical, and will result in the confiscation of property, the planning commission shall have authority to grant a variance from such provision. (Code 1954, 23.5)

(2) Variances will not be granted on the basis of hardship where such hardship was created as a result of the method by which a developer voluntarily subdivides land after the effective date of this interim ordinance.

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Technical Report

Exhibit D

Title: Rob Roy Phase Two  
File: C8-79-32  
Date: April 24, 1979

A. Synopsis:

The staff recommends disapproval without conditions of this preliminary plan until ordinance requirements are fulfilled.

B. Ordinance Requirements - Preliminary Stage

1. The subdivision is classified as urban and all streets, drainage, sidewalks, water and wastewater lines are required to be constructed to City standards with appropriate fiscal arrangements. (Sec. 41-1; 41-14(d), 41-36 thru 41-53, 41-48, 41-49)
2. Identify sidewalk locations on both sides of Pascal Lane, one side of all residential streets, and the subdivision side of St. Stephens School Road unless variance is granted to delete sidewalks. (Sec. 41-42)

*See 3/24/79*  
Austin/Travis County Health Department approval required for septic tank system use prior to preliminary plan approval. (Sec. 41-53)

C. Variances

1. Variance is required to delete fiscal requirements for City wastewater services.  
*all approved*  
Recommend: to grant, provided that septic tank use is approved as no City wastewater service is available. (See attached letters) (Sec. 41-14, 41-48)
2. Variances are required on the length of Cicero Lane (both ends), Beecher Lane, Humbolt Lane, and Coleridge Lane cul-de-sacs. (See attached letter) (Sec. 41-31)  
Recommend: to grant for reasons of topography, low density and to provide for future extension of Pascal Lane.
3. Variances are required on the length of blocks E, F, G and I. (See attached letter) (Sec. 41-320)  
Recommend: to grant, for reasons of topography and low density.
4. Variance is required on the scale of the preliminary plan. (See attached letter) (Sec. 41-11)  
Recommend: to grant, due to large plat size at the required scale of 1 inch to 100 feet.
5. Variances are requested to delete sidewalks, fiscal arrangements, and location note. (See attached letter) (Sec. 41-5).  
*approved*  
Recommend: to disapprove, sidewalks are considered necessary by both Urban Transportation and Public Works. (See attached letter) (Sec. 41-42 and Pedestrian Plan)



Title: Rob Roy Phase Two  
File: CB-79-32

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4. Drainage and public utility easements as required. (Sec. 41-13; 41-29)
5. Minimum building slab elevation note is required on the final plat for lots adjacent to waterway(s). (Required by Travis County)
6. Waterway development permit is required prior to final plat approval. (Sec. 41-47.2; 41-47.10)
7. Connection required to Water District #10 water system. Letter required from such district stating financial arrangements have been made by the owner to serve this subdivision with water and that service will be provided. (Sec. 41-52)
8. Show a restriction on the final plat prohibiting occupancy of any lot until connection is made to Water District #10 water system and to a septic tank system approved by the Austin/Travis County Health Department. (Sec. 41-13)
9. All cuts and fills are required to comply with the Lake Austin Ordinance. (Sec. 41-35.3)
10. Driveways are required not to exceed 14% grade for first 25 feet or as approved by the Engineering Department. (Sec. 41-35.3)
11. Restrictive covenant required for final plat(s) to include the following:
  - A.\* All building foundations on slopes of 15% and over and on fill placed upon such slopes shall utilize design and construction practices certified by a registered professional engineer qualified to practice in this field and such designs shall be placed on file with the City of Austin Engineering Department.
  - B.\* For a minimum travel distance of 25 feet from the roadway edge, driveway grades may exceed 14% only with specific approval of surface and geometric design proposals by the Director of the Engineering Department or his designee.
  - C.\* No fill on any lot shall exceed a maximum of three feet of depth. Except for structural excavation, no cut on any lot shall be greater than six feet.
12. Final plat(s) required to comply independently with the Lake Austin Ordinance and all materials for review required to be submitted. (Sec. 41-11.7(d)(1), 41-13, 41-35.3)

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Memo To: **PARD**

From: Subdivision Processing Center, Planning Department

Subject: Final Plat Review

RE: Subdivision & File Rob Roy Phase Two CBF-79-67  
Preliminary File # CB-79-32

Please review the final plat for compliance with applicable ordinances, policies, rules, regulations, and standards governing your area of responsibility. Submit your report and fiscal estimates, if required, to the Subdivision Processing Center not later than the designated due date. Early responses are encouraged. If necessary, contact the center at telephone 477-6511, extensions 2560 through 2563.

Due Date: July 20, 1979

Type Subdivision: Urban XX Suburban       

Major Watershed Lake Austin

Lake Austin watershed review required (attachments) Yes XX No       

Fiscal estimates required: Yes        No       

Plat complies with City adopted requirements: Yes        If not, comment below:

Requirements adopted by the City (cite reference): (see noted in our  
prelim review) P.A.D. views the development of lots  
51 through 68 as less than sensitive and innovative  
planning and that the visual corridor to Lake Austin  
and recreational benefits of Lake Austin will be  
Information Items: irreparably damaged. Therefore the  
proposal is in direct conflict with Ordinance  
No. 781102-C. The restrictive covenants for lots  
51 through 68 have not been included.

Reviewed By: John P. Highland

RECEIVED Date: 7/10/79

JUL 10 1979

Form R105-5(M2) April 1979

PLANNING DEPT.

Continue Comments on Back